

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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MAURICE GILBREATH, PRO SE, §  
§  
Plaintiff, §  
§  
v. § 2:05-CV-0208  
§  
POTTER COUNTY CORRECTION §  
CENTER AND STAFF, §  
§  
Defendants. §

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

Plaintiff MAURICE GILBREATH, proceeding *pro se* and while a prisoner in the custody of the Milam County Jail, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendant and requesting permission to proceed in forma pauperis.

On January 27, 2006, the Court issued an Order and Notice of Deficiency giving plaintiff thirty days in which to cure specified deficiencies by paying the filing fee or submitting an I.F.P. Data Sheet, sometimes called a Certificate of Inmate Trust Account, showing the average monthly deposit and average monthly balance of his inmate trust account for the previous six months, and by submitting an Application to Proceed In Forma Pauperis. Plaintiff was also instructed to submit his complaint on the form promulgated by the Court and to attach a copy of grievances as required by question no. III of the complaint form.

The response period has expired, and plaintiff has failed to respond to the Order in any way. Thus, it appears plaintiff has abandoned his cause and such cause should be dismissed for failure to prosecute. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8

L.Ed.2d 734 (1962) (court possesses inherent power to dismiss *sua sponte* for lack of prosecution).

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 17<sup>th</sup> day of March, 2006.

/s/ Mary Lou Robinson  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE